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Attorneys for Defendant TRUMP RUFFIN
7 TOWER I, LLC erroneously sued herein as
TRUMP RUFFIN COMMERCIAL LLC

8 UNITED STATES DISTRICT COURT

9 CLARK COUNTY, NEVADA

10
11 KATHY CARTER; RICHARD CARTER,

CASE NO. 2:12-cv-01681

12 Plaintiffs,

13 vs.

14 TRUMP RUFFIN COMMERCIAL LLC;
15 MICHAEL SABZEROU; DOES I through
16 X, and ROE CORPORATIONS I through
XX, inclusive,

17 Defendants.

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20 DEFENDANT TRUMP RUFFIN TOWER I, LLC'S ANSWER TO
21 PLAINTIFFS' COMPLAINT

22 COMES NOW, Defendant TRUMP RUFFIN TOWER I, LLC erroneously sued
23 herein as TRUMP RUFFIN COMMERCIAL LLC (hereinafter "Defendant"), by and through
24 its counsel of record, Josh Cole Aicklen, Esq., and David B. Avakian Esq., of LEWIS
25 BRISBOIS BISGAARD & SMITH LLP, and hereby responds to Plaintiffs' Complaint as
26 follows:

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RESPONSES TO JURISDICTION

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2 1. Answering Paragraph number 1 of Plaintiffs' Complaint, Defendant is
3 without sufficient knowledge or information to form a belief as to the truth of the
4 allegations of said paragraph and, on that basis, denies each and every allegation set
5 forth therein.

6 2. Answering Paragraph number 2 of Plaintiffs' Complaint, Defendant admits
7 TRUMP RUFFIN TOWER I, LLC, is a Delaware limited-liability company. Defendant is
8 without sufficient knowledge or information to form a belief as to the truth of the
9 allegations of the balance of said paragraph and, on that basis, denies each and every
10 allegation set forth therein.

11 3. Answering Paragraph numbers 3 and 4 of Plaintiffs' Complaint, Defendant
12 is without sufficient knowledge or information to form a belief as to the truth of the
13 allegations of said paragraphs and, on that basis, denies each and every allegation set
14 forth therein.

RESPONSES TO GENERAL ALLEGATIONS

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16 4. Answering Paragraph number 5 of Plaintiffs' Complaint, Defendant repeats
17 and realleges its responses to Paragraphs 1-4 as if fully set forth herein.

18 5. Answering Paragraph number 6 of Plaintiffs' Complaint, Defendant admits
19 TRUMP RUFFIN TOWER I, LLC, owns the property known as the TRUMP
20 INTERNATIONAL HOTEL LAS VEGAS in the City of Las Vegas, Nevada. Defendant is
21 without sufficient knowledge or information to form a belief as to the truth of the
22 allegations of the balance of said paragraph and, on that basis, denies each and every
23 allegation set forth therein.

24 6. Answering Paragraph numbers 7, 8, 9, 10 and 11 of Plaintiffs' Complaint,
25 Defendant is without sufficient knowledge or information to form a belief as to the truth of
26 the allegations of said paragraphs and, on that basis, denies each and every allegation
27 set forth therein.

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RESPONSES TO FIRST CAUSE OF ACTION

(Negligence/Premises Liability)

7. Answering Paragraph number 12 of Plaintiffs' Complaint, Defendant repeats and realleges its responses to Paragraphs 1-11 as if fully set forth herein.

8. Answering Paragraph numbers 13, 14, 15 and 16 of Plaintiffs' Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of said paragraphs and, on that basis, denies each and every allegation set forth therein.

RESPONSES TO SECOND CAUSE OF ACTION

(Negligence Per Se)

9. Answering Paragraph number 17 of Plaintiffs' Complaint, Defendant repeats and realleges its responses to Paragraphs 1-16 as if fully set forth herein.

10. Answering Paragraph numbers 18, 19, 20, 21, 22, 23 and 24 of Plaintiffs' Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations of said paragraphs and, on that basis, denies each and every allegation set forth therein.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

That it has been necessary for Defendant to employ the services of an attorney to defend this action, and a reasonable sum should be allowed as and for Defendant's attorneys' fees, together with costs expended in this action.

SECOND AFFIRMATIVE DEFENSE

Defendant alleges that the negligence of Plaintiffs exceeds that of the Defendant, if any, and that the Plaintiffs are thereby barred from any recovery, or their recovery is reduced accordingly.

THIRD AFFIRMATIVE DEFENSE

Defendant alleges that Plaintiffs failed to name a party necessary for full and adequate relief essential in this action.

1 **FOURTH AFFIRMATIVE DEFENSE**

2 Defendant alleges that the damages, if any, suffered by Plaintiffs as set forth in
3 Plaintiffs' Complaint was caused in whole or in part by the negligence of a third party over
4 which Defendant had no control.

5 **FIFTH AFFIRMATIVE DEFENSE**

6 Plaintiffs have failed to mitigate their damages and therefore any recovery must be
7 reduced accordingly.

8 **SIXTH AFFIRMATIVE DEFENSE**

9 Defendant alleges that the damages, if any, suffered by Plaintiffs as set forth in
10 Plaintiffs' Complaint were not caused by the subject accident and or negligence of the
11 Defendant.

12 **SEVENTH AFFIRMATIVE DEFENSE**

13 That the damages, if any, incurred by Plaintiffs are not attributable to any act,
14 conduct or omission on the part of the Defendant; Defendant denies that it was negligent
15 in any manner or in any degree with respect to the matters set forth in Plaintiffs'
16 Complaint.

17 **EIGHTH AFFIRMATIVE DEFENSE**

18 Defendant alleges that at the time and place alleged in the Complaint, Plaintiffs did
19 not exercise ordinary care, caution or prudence to avoid said accident and the resulting
20 injuries, if any, complained of were directly and proximately contributed to and caused by
21 the fault, carelessness and negligence of the Plaintiffs, thereby reducing and/or barring
22 Plaintiffs' recovery.

23 **NINTH AFFIRMATIVE DEFENSE**

24 The allegations contained in Plaintiffs' Complaint fail to state a cause of action
25 against Defendant upon which relief can be granted.

26 **TENTH AFFIRMATIVE DEFENSE**

27 Plaintiffs causes of action are barred by the applicable statutes of limitations.

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ELEVENTH AFFIRMATIVE DEFENSE

Defendant hereby incorporates by reference those affirmative defenses enumerated in Rule 8 of the Federal Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, Defendant reserves the right to seek leave of court to amend this Answer to specifically assert any such defense. Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defense.

PRAYER FOR RELIEF

WHEREFORE, Defendant, TRUMP RUFFIN TOWER I, LLC, prays for judgment as follows:

1. That Plaintiffs take nothing by way of their Complaint;
2. That Defendant be awarded reasonable attorneys' fees and costs of suit incurred in defending this action;
3. That Defendant be awarded such other and further relief as the Court deems just and proper.

DATED this 25th day of September, 2012

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ David B. Avakian

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Lewis Brisbois Bisgaard & Smith LLP, and that on this 25th day of September, 2012, I did cause a true copy of **DEFENDANT TRUMP RUFFIN TOWER I, LLC'S ANSWER TO PLAINTIFFS' COMPLAINT** to be served via electronic service by the U.S. District Court CM/ECF system to the parties on the Electronic Filing System.

By /s/ Johana Whitbeck
An Employee of
LEWIS BRISBOIS BISGAARD & SMITH LLP